IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 20217 of 2007(F)

RCP.55/2005 of PRL.M.C., KOLLAM
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PETITIONER:

KRISHNAN SUKUMARAN,
KAYITHENGIL VEEDU, MEENATHUCHERRY,
KAVANAD, KOLLAM.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS:
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1. O.M.AMBIKA,
KADIYIL VEEDU, MEENATHUCHERRY, KAVANADU,
KOLLAM. (FROM KAYITHENGIL VEEDU, -DO-)

2. O.M.SUDHA,
KADIYIL VEEDU, MEENATHUCHERRY, KAVANADU,
KOLLAM. (FROM KAYITHENGIL VEEDU, -DO-)

3. O.M. USHA,
KADIYIL VEEDU, MEENATHUCHERRY, KAVANADU,
KOLLAM. (FROM KAYITHENGIL VEEDU, -DO-)

4. M.SURESH,
KADIYIL VEEDU, MEENATHUCHERRY, KAVANADU,
KOLLAM. (FROM KAYITHENGIL VEEDU, -DO-)

5. M.HARISH,
KADIYIL VEEDU, MEENATHUCHERRY, KAVANADU,
KOLLAM. (FROM KAYITHENGIL VEEDU -DO-)

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C).NO.20217 OF 2007 (F)

Dated 2nd July, 2007

JUDGMENT

KOSHY,J.

Respondents in this case filed a petition for eviction (R.C.P.No.55/2005). Writ petitioner filed objections denying the title of the respondents and also filed I.A.No.3559/2006 to stay the continuation of the proceedings under Section 10 of the Code of Civil Procedure contending that he has filed O.S.No.1/2005 claiming for declaration of title over the petition schedule building by adverse possession. He wanted to stay the proceedings till the disposal of the original suit. O.S. is disposed of finally dismissing all the contentions raised by the petitioner. It is true that petitioner has filed an appeal. In any event, it is settled law that Section 10 will not be applicable in Rent Control proceedings and

it is for the petitioner to contest the rent control petition on all grounds available to him. We see no ground to interfere in the writ petition and hence this writ petition is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp